

TITLE 14. Fish and Game Commission

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 202, 3003.1 and 4181 of the Fish and Game Code and to implement, interpret or make specific sections 3003.1 and 4181, of said Code, proposes to Amend Section 401, Title 14, California Code of Regulations, relating to Issuance of Permits to Take Animals Causing Damage.

Informative Digest/Policy Statement Overview

In 2004, the Legislature amended Section 4181 of the Fish and Game Code and added wild turkeys to the list of species for which the Department issues permits to landowners to kill animals that are damaging property (Senate Bill 1153). To provide consistency with the code change, the Department is proposing that Section 401 of Title 14, which provides for the issuance of these permits, be amended to include wild turkeys.

Additional minor amendments are proposed, which would make this section more clear and more consistent with current code and regulation sections. These minor amendments are as follows:

1. Update the title and number designating the form which is used to apply for depredation permits.
2. Change the wording in Subsection 401(a) to state that, when depredation permits are applied for in situations where damage has not yet occurred, but damage is threatened, the damage must be immediately threatened. This change would make the regulation more consistent with the authorizing code section, which states that the Department shall issue depredation permits "...upon satisfactory evidence of the damage or destruction, actual or immediately threatened...".
3. Delete the subsection that requires that bear traps be placed only within pens, and that signs warning of bear traps be posted. This subsection is no longer needed, since the use of metal-jawed traps for bears is now prohibited.
4. Change the wording in Subsection (d)(3) to require that a permittee kill depredating animals in a humane manner, from wording that states that a permittee shall make "every effort" to kill the animals instantly. It is unclear what "every effort" might entail.
5. Delete the requirement that squirrels and beavers be tagged when taken under depredation permits. The Department believes that tagging each squirrel and beaver is unnecessary.
6. Add a requirement that report portions of tags issued in conjunction with depredation permits be mailed to the Department after animals are killed. This is the procedure currently being followed, but mailing of the report tags is not required in existing regulation wording.
7. Other minor changes are proposed for clarity.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisors Chambers, 1050

Monterey Street, 2nd floor, San Luis Obispo, California on Friday, August 19, 2005, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 15, 2005 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 19, 2005, at the hearing in San Luis Obispo, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon Fischer or Jon Snellstrom at the preceding address or phone number. **Tom Blankinship, Wildlife Programs Branch, Department of Fish and Game, phone (916) 445-3615, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation change is sufficiently minor that there would be no significant impact to businesses.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

(e) Nondiscretionary Costs/Savings to Local Agencies:

None

(f) Programs mandated on Local Agencies or School Districts:

None

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None

(h) Effect on Housing Costs:

None

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Robert R. Treanor
Executive Director

Dated: June 21, 2005